



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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Governor

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3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340  
801-359-3940 (Fax)  
801-538-5319 (TDD)

Gen Counsel  
Powell

0007

September 4, 1996

Matthew J. Obradovich  
Acting Area Manager  
Bureau of Land Management  
Henry Mountain Resource Area  
P. O. Box 99  
Hanksville, Utah 84734

Re: Notice of Mining Operations, Leonard Powell/James Baker, Antias #2, UTU-71612, Garfield County, Utah

Dear Mr. Obradovich:

Thank you for forwarding the Notice of Intention to conduct *non-mechanized* mining operations from Leonard Powell and James Baker. The notice is for their Anitas #2 mining claim located in NE/4 of Section 13, T33S, R10E, SLBM. Your file number is UTU-71612.

We initially attempted to evaluate this Notice under the Small Mining Operation section of our minerals rules. Upon examination of the notice it became apparent that the proposed mining activities will be performed with hand tools only. For further clarification, we placed a phone call to your office wherein you confirmed that only hand tools were being used. The requirements of Rule R647-3 of the 1988 Division of Oil, Gas and Mining Minerals Rules, and Title 40-8, *et seq.*, of the Utah Mined Land Reclamation Act of 1975 only authorize the Division to process notices that propose to use *mechanized* equipment to conduct mining operations. Therefore, we have no jurisdiction over the mining activities as presently proposed under this notice. If Mr. Powell or Mr. Baker decide to expand their mining operation to involve the use of mechanized equipment, then they will have to file the appropriate notice with this Division before beginning their mechanized work.

As you may be aware, on July 9, 1996, I accompanied Frank "Buzz" Rakow of your office in performing a joint agency site inspection of this project. During the inspection we noted a couple areas at the site that present a potential safety concern to the general public. There were two excavations observed on the site that could result in serious injury to an unsuspecting party who may come upon the mine site while using the general area. One of the excavations consists of an underground opening/entry that has been hollowed out of an existing spring. There may have been 1 1/2 - 2 feet of unconsolidated cover/overburden above the entry which is of questionable stability. We could see no signs of any internal roof support from outside the entry. The opening is roughly 4 - 5 feet in diameter. Water was discharging from the opening into an excavated trench leading away from the underground opening. Numerous cattle were observed using the immediate area around the spring. The second excavation was a hand dug vertical shaft that is located in an adjacent sagebrush

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Powell/Baker  
September 4, 1996

flat, about 75 yards northwest of the underground entry. The shaft was estimated to be 20-25 feet deep and approximately 7 feet by 2 ½ feet in surface dimensions. A series of rocks were piled up encircling the opening and a short wooden ladder had been laid across the rocks over the open hole. If a person or animal fell into this hole, it would be extremely difficult (if not impossible) to get out without assistance. In my opinion, the operator should secure these openings to prevent or minimize the risk of possible serious personal injury.

Thank you for your continued cooperation. If you have any questions regarding this letter, please contact me at (801) 538-5286.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Wayne Hedberg". The signature is fluid and cursive, with the first name "D." and last name "Hedberg" clearly distinguishable.

D. Wayne Hedberg  
Permit Supervisor  
Minerals Reclamation Program

jb  
cc: Leonard Powell/James Baker, Operator  
Powell.noi

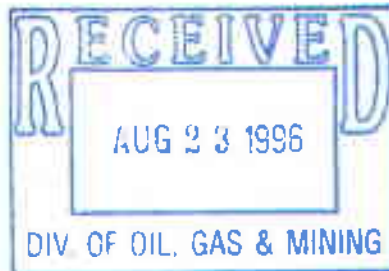


# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
HENRY MOUNTAIN RESOURCE AREA  
P. O. BOX 99  
HANKSVILLE, UTAH 84734



IN REPLY REFER TO:



3800  
UTU-71612  
(UT057)

August 21, 1996

D. Wayne Hedberg  
Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801

Dear Mr. Hedberg:

Enclosed is a copy of the following mining notice:

BLM Serial No.

UTU-71612

Operator

Leonard L. Powell  
James L. Baker

This is an ongoing operation and is filed under the existing Serial #UTU-71612. This is sent to you in accordance with the Memorandum of Understanding between our two agencies.

Should you have questions regarding this notice, please call Francis Rakow at (801) 542-3461.

Sincerely,

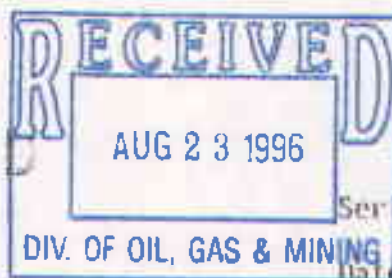
Matthew J. Obradovich  
Acting Area Manager

*Toelle, \* would you mind preparing draft?  
Let's draft a memo?  
Letter to BLM thanking them for forwarding the notice, but advise that because activities to date have been non-mechanical, we have no formal regulatory jurisdiction by statute & rule.  
\* I'll make some additional comments based upon my onsite inspection from 8/18/96 (ask Nathan!) Th. W. W.*

RECEIVED

AUG 15 1996

HENRY MOUNTAIN  
RESOURCE AREA



(For BLM Use)

Serial Number UTU-71612

Received 8-15-96

NOTICE  
OR  
PLAN OF OPERATIONS

(For Operations Proposed Under the 43 CFR 3809 Regulations)

Instructions to Claimant/Operator: Circle "Notice" above if operations within the project area propose to disturb a total of five (5) acres or less during the calendar year. Circle "Plan of Operations" if the proposed disturbance will exceed five (5) acres during the calendar year or if your operations are proposed in an area listed in 3809.1-4(b). Complete the form in as much detail as possible. Use maps or sketches where appropriate (maps or sketches are required for submitted plans of operations and are recommended, but not required, for submitted notices). A review of 43 CFR 3809 Regulations should be conducted prior to completion of this form and submission to the appropriate BLM office.

Claimant Information:

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Leonard L. Powell	509 Cottonwood Rd Price UT. 84501	Apr. D3 637-3452
James L. Baker	835 N 1 <sup>st</sup> East Price UT 84501	637-6135

Operator Information: (If different than claimant)

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Leonard L. Powell	509 Cottonwood Rd D3 Price UT. 84501	637-3452
James L. Baker	835 N 1 <sup>st</sup> East Price UT 84501	637 6135

Claim Information: (If activities are proposed on BLM administered lands where no claims have been located, describe the area by Township, Range, and Section):

<u>Claim Name</u>	<u>BLM Serial #</u>	<u>Claim Type (Lode, Millsite, etc.)</u>
Atlas #2	351337	Lode
Sec. 13 T33 S. 10E		
North East Quarter		

Proposed Operations: Describe the entire proposed operation, including all surface disturbing activities (road construction, drilling, trenching, backhoe and bulldozer exploration, mining, waste disposal, etc.). List all mechanized earth moving equipment to be used during the operation and state if any explosives are to be utilized. Describe and furnish a map or sketch, when applicable, showing existing surface disturbances, structures, facilities, etc., and the location and size of areas where surface disturbances are proposed, including existing and/or proposed routes of access. Calculate the total acreage proposed for disturbance (1 AC. = 43,560 sq. ft.).

Date Operations are Proposed to Commence as Outlined in this Submittal - (Month, Day, Year):

Clean cut. Dig by hand  
Stock pile debris & replace after through  
1/10<sup>th</sup> acre  
Commence operation Sept 1 - 1996



Access Routes (Existing and Proposed)

Brown's Hole Road



Existing Disturbance and Structures

old Mine site opening

Proposed Operations


Sept 1997

Proposed Completion Date

Smooth out to Blend in with Surrounding site  
And Re-seed

Proposed Reclamation: Describe the proposed reclamation procedures and other measures to be taken to prevent unnecessary or undue degradation of the lands, including measures to be taken if a period of non-operation is anticipated.

I hereby declare that I, or persons I have authorized to do so, will complete all necessary reclamation of areas disturbed during the course of my operations to the standards described in 43 CFR 3809.1-3(d) and that reasonable measures will be taken to prevent unnecessary or undue degradation of the federal lands during operations.

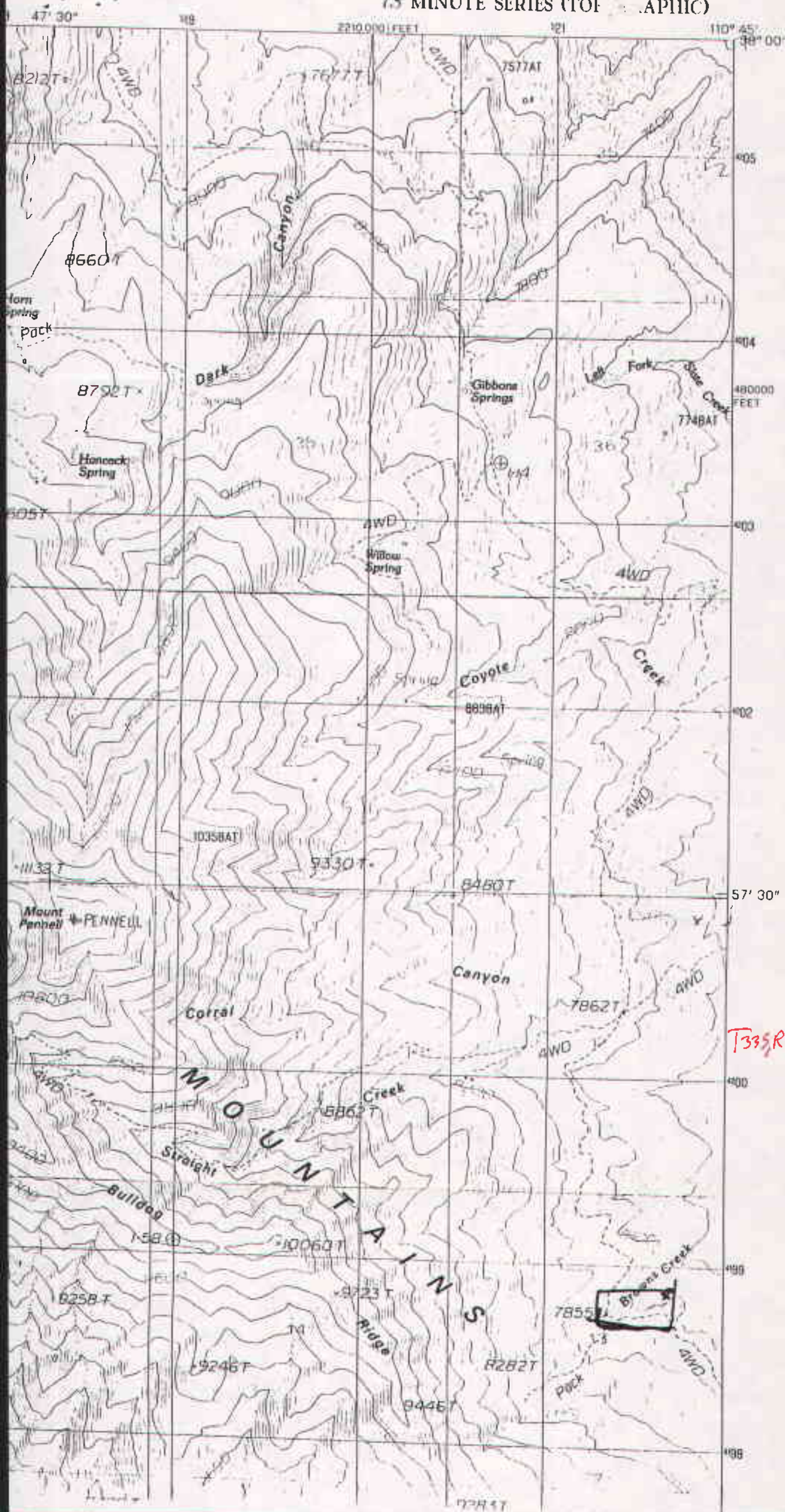
  
Signature of Claimant or Operator  
Date Sept 15/96

Notice to Claimants/Operators:

1. A notice submitted in relation to the 43 CFR 3809 regulations does not require approval from the BLM. However, notification of such activities shall be made at least 15 days before commencing operations. Approval of a submitted plan of operations is required from the BLM prior to commencing operations. The BLM will promptly acknowledge receipt of a plan and will notify the claimant/operator of the status of the plan within 30 days of receipt.
2. Approval of a plan of operations does not constitute certification of ownership to any person named as claimant/operator herein, nor does approval constitute recognition of the validity of any mining claims named herein.
3. Information and data submitted and specifically identified by the operator as containing trade secrets or confidential or privileged commercial or financial information should be attached to a separate page and cited in the text of the notice or plan of operations. This information will be filed separately by the BLM and will not be available for public inspection.
4. Failure of an operator to file a notice under 3809.1-3 or a plan of operations under 3809.1-4 will subject the operator, at the discretion of the authorized officer, to being served a notice of non-compliance or enjoined from the continuation of such operations by a court order until such time as a plan or notice is filed with the authorized officer.



UTAH-GARFIELD CO.  
7.5 MINUTE SERIES (TOPOGRAPHIC)





















9/96











